

MEMORANDUM ENDORSED



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April 18, 2023

The Honorable Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

VIA ECF

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Re: *Zarzuela v. Toyink Toys LLC*; Case No. 1:22-cv-10875 (GHW)

Dear Judge Woods:

We represent plaintiff Jose Zarzuela (“Plaintiff”) in the above-referenced action. Plaintiff has been in contact with counsel for defendant, Toyink Toys LLC (“Defendant”). Earlier today, April 18, 2023, during discussions concerning the joint preconference submissions ordered by this Court in anticipation of the April 25, 2023, Initial Pretrial Conference, counsel for Defendant informed Plaintiff of its intent not to defend the action and enter default. Plaintiff therefore respectfully requests that the conference be adjourned *sine die*. Additionally, as Defendant may, per this Court’s order of December 12, 2022, respond to the complaint until April 25, 2023, Plaintiff respectfully requests 30 days in which to move for default per this Court’s Individual Rules of Practice in Civil Cases. *See* Docket No. 5.

Respectfully submitted,
/s/ William J. Downes
William J. Downes

cc: All Counsel of Record (via ECF)

The Court understands from this letter that Plaintiff intends to seek an entry of default in this case because Defendant does not intend to defend this action. If Plaintiff wishes to act on that intention, it is instructed to prepare an order to show cause for default judgment in compliance with the Court's individual rules in civil cases (which are available on the Court's website) no later than May 19, 2023. Because Defendant does not intend to defend this action, the conference currently scheduled for April 25, 2023, see Dkt. No. 5, is adjourned to May 25, 2023 at 1:00 p.m. If Plaintiff chooses not to file for an entry of default by May 19, 2023, Plaintiff is instructed - by no later than May 19, 2023- to send the Court an updated status letter explaining how it intends to proceed in this case. If Defendant will defend this action, the parties should also send a case management plan in accordance with the Court's order at Dkt. No. 5. Counsel for Plaintiff is directed to serve this order on Defendant and to retain proof of service. The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. No. 8.

SO ORDERED.

Dated: April 19, 2023
New York, New York

GREGORY H. WOODS
United States District Judge